

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DANIEL P. HARGROVE,	:	Case No. 1:17-cv-560
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Karen L. Litkovitz
vs.	:	
	:	
C.O. HOLLEY, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATIONS
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 10)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on October 31, 2017, submitted a Report and Recommendations. (Doc. 10). Plaintiff filed objections on November 8, 2017. (Doc. 13).¹

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does

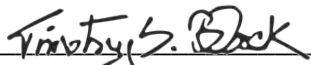
¹ After reviewing the Report and Recommendations, Petitioner's objections, and the case record, the Court finds that Petitioner's objections are not well taken. Plaintiff's two page objections merely restate some of his claims without directly addressing the sound legal analysis of the Report and Recommendations. Specifically, Plaintiff fails to address the Magistrate Judge's finding that several of the named Defendants cannot be sued due to sovereign immunity or the finding that Plaintiff has failed to state a claim for relief under either the First Amendment or the Religious Land Use and Institutionalized Persons Act.

determine that such Report and Recommendation should be and is hereby **ADOPTED** in its entirety. Accordingly, the Court **ORDERS** the following:

- 1) Plaintiff's Amended Complaint (Doc. 7) is **DISMISSED WITH PREJUDICE**, with the exception of Plaintiff's Eighth Amendment individual capacity claim for failure to protect against defendants Holley and Hubbert and his Eighth Amendment claim for deliberate indifference to his serious medical needs against defendant Heyd.
- 2) Plaintiff's motion for preliminary injunction and to further amend the complaint (Doc 8) is **DENIED**.

IT IS SO ORDERED.

Date: 12/27/17



Timothy S. Black
United States District Judge